IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 27053 of 2007(U)

PETITIONERS:
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1. **PULIKOTTIL CHAKKU OUSEPH, S/O. CHAKKU, PULIKOTTIL HOUSE, NORTH BAZAR, OLLUR, THRISSUR DIST.**

2. **PAUL.N.V., S/O. NELLISSERY VASU, NELLISSERY HOUSE, NEAR CHURCH, NORTH BAZAR, OLLUR, THRISSUR DIST.**

3. **THOMAS N.P., S/O. NELLISSERY PALU, NELLISSERY HOUSE, OLLUR, THRISSUR DIST.**

4. **C.I. OUSEPH, S/O. INASU, CHEMANNUR, P.O. OLLUR, THRISSUR DIST.**

5. **PHILO POLY, W/O. POLY, APPADAN HOUSE, NORTH BAZAR, OLLUR, THRISSUR DIST.**

6. **M.J. THOMAS, S/O. JACOB, MUTHIPEEDIKA HOUSE, NORTH BAZAR, P.O. OLLUR, THRISSUR DIST.**

7. **PAUL PORATHUR, S/O. ANTHAPPAN, PORATHUR HOUSE, OLLUR P.O., THRISSUR DIST.**

8. **PAULSON KODANGANDATH H, S/O. LONAPPAN, KODANGANDATH HOUSE, NEAR OLLUR CHURCH, P.O. OLLUR, THRISSUR DIST.**

9. **JOSHY PULIKKAN, S/O. GEORGE PULIKKAN, PULIKKAN HOUSE, GEO BHAVAN, OLLUR P.O., THRISSUR DIST.**

10. **M.R. BENNY, S/O. RAPPAI, MOYALAN HOUSE, NORTH BAZAR, OLLUR, THRISSUR DISTRICT.**

BY ADV. SRI.K.M.SATHYANATHA MENON.

W.P.(C). NO. 27053/2007:

RESPONDENTS:
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1. **THE ASSISTANT EXECUTIVE ENGINEER,**
   PUBLIC WORKS DEPARTMENT (ROADS),
   OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER,
   THRISSUR -20.

2. **THE DEPUTY COLLECTOR (L.R),**
   OLLUR, THRISSUR DISTRICT.

3. **THE DISTRICT COLLCTOR,**
   THRISSUR DISTRICT.

BY GOVT. PLEADER SRI. I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) No. 27053 of 2007

Dated this the 11th day of September, 2007

JUDGMENT

Petitioners submit that they occupy buildings in small plots of land for several years. It is stated that the first respondent has issued Exts.P2, P5, P8, P11, P15, P18, P22, P26, P29, and P32. By these notices the petitioners were required to vacate from the premises within 48 hours. On receipt of these notices, they filed objections evidenced by Exts.P3, P6, P9, P12, P16, P19, P23, P27, P30 and P33. According to the petitioners, although these objections were filed, without hearing them or considering their objections or pending any order they are likely to be forcibly evicted from their residential buildings. In these aforesaid circumstances this writ petition is filed.

In the nature of the controversy that is raised, it is essential that the petitioners' objections should be considered by the first respondent before any coercive action as threatened in the notices is taken. Therefore, I dispose of the writ petition directing the first respondent to consider the objections raised by the petitioners against the notices issued to them. Before

orders are passed notices shall be given to the petitioners and they should be allowed an opportunity of hearing to enable them to prove their respective contentions. After such opportunity is granted the first respondent shall pass speaking orders adverting to the contentions raised. In the meantime, further proceedings pursuant to the notices shall be kept in abeyance. If the orders so passed are adverse to the petitioners coercive action pursuant there to shall not be continued for a period of two weeks.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007